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May 13, 2009

VIA ECF & FACSIMILE

The Honorable Kathleen Tomlinson
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Phoenix Insurance Co a/s/o Key Court
Condo v. Modern Sprinkler Corp.
Docket No.: 08CV1327 (TCP) (AKT)
Our File No: 7085

Dear Honorable Madam:

The undersigned represents the plaintiff The Phoenix Insurance Company with respect to the above referenced property damage subrogation action before Your Honor.

We write the court with the consent of all sides requesting a three week extension to the May 18, 2009 date for expert disclosures extending the date to June 8, 2009. All party depositions have been completed. However, we are still waiting to receive transcripts for our experts' review which will be necessary for finalizing their opinions. We have been advised that these transcripts will be available this week.

We propose the remaining dates be extended as well in light of this request as follows:

- Expert Reports Due by June 8, 2009
- Dispositive Motion Practice Started by June 29, 2009
- Joint Pre-Trial Order Due by July 23, 2009
- Pre-Trial Conference Date as scheduled by the Court.

This is our second request for an extension of time to discovery. All parties consent to this request.

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Thank you for your time and attention to this matter. Should you have any questions in the foregoing, please do not hesitate to contact this office.

Very Truly Yours,

SHEPS LAW GROUP P.C.

ROBERT C. SHEPS

Cc:

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